

Upon motion of Senator Parker, the bill as amended was re-committed to the Committee on State Affairs.

Upon motion of Senator Record, the Senate adjourned until to-morrow morning, 10 o'clock.

SENATE CHAMBER, }  
Sept. 14, 1886. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

The following message was received from his Excellency the Governor, and upon motion of Senator McDade, was taken up and read :

STATE OF TEXAS, }  
EXECUTIVE DEPARTMENT, }  
Austin, Sept. 13th, 1886. }

*Gentlemen of the Senate :*

I regret to inform you that on the night of the 7th inst. the town of Brenham was set on fire, which resulted in the destruction of a large amount of property. From information received through gentlemen of the highest respectability, based upon the sworn statements of citizens of unquestioned veracity, there is no doubt of the fact that the fire was the work of U. S. soldiers stationed in the vicinity of the town. As soon as I received information of the burning, knowing that General Wright had left Galveston, I telegraphed to Major Lathrop, at Houston, that I wished him to go at once to Brenham and investigate the whole affair, and also requested him to communicate my dispatch to the commanding officer at Galveston. I was promptly answered by Major Lathrop and Lt. Col. Mason of Galveston. The latter officer expected to get to Brenham on Monday's train, but I learn there was no connection, and he failed to reach there. I doubt not, however, that he is there before this time.

Enclosed I send you a memorial of the citizens who were the sufferers by the fire. And in response to their request I would recommend that your Honorable Body appoint a joint committee whose duty it shall be to proceed at once to Brenham, with authority to take testimony as to the origin of the fire, the amount of property destroyed, and the value of the same, in order that the whole subject may be laid before the authorities of the General Government. As soon as I was informed of the

occurrence, knowing the excitement likely to be aroused, and fearing imprudence on the part of thoughtless persons, I directed that the Sheriff should summons a sufficient number of discreet persons to aid the civil authorities in preserving order. I am much gratified that the citizens of Brenham have acted with prudence and propriety. Such course of conduct will insure a speedy investigation and a redress, as far as it is possible, of wrongs committed.

I have every confidence that the commanding officers of this District, and in this Military Department, will see that justice is done our people, and that those under their command, who violate the laws, shall not go unpunished. I will request the removal of this company from Brenham, and ask that such of the parties charged with the burning, as can be identified, shall be delivered to the proper authorities for trial.

J. W. THROCKMORTON,

Governor of Texas.

*To His Excellency J. W. Throckmorton, Governor of Texas :*

The memorial of the undersigned, citizens of the town of Brenham, in the county of Washington, and State of Texas, respectfully shows :

That on the night of the 7th inst. a large amount of property, situated in Brenham, owned by them, the description and value of which will be found in the annexed statement, was fired and utterly destroyed by a party of Federal soldiers stationed here.

Your memorialists show that this act of incendiarism was done not by irresponsible privates alone, but with the full knowledge, and as your memorialists believe, by the express orders of the Federal officer commanding the troops and the post ; and that since its commission he has justified the act in retaliation, as he alleges, for an assault committed upon some of his men by other citizens of Brenham ; and your memorialists show that this officer has taken no steps for the arrest or punishment of the offenders.

Your memorialists show that they are law abiding citizens, deeply interested in the stability of the Government, and in the peace and quiet of the community in which they live ; that they were in no wise concerned in the alleged assault upon the Federal soldiers, and that they had uttered no word and done no act to provoke this wanton destruction of their property.

Wherefore, your memorialists request your Excellency to lay the matter before the honorable Legislature now in session, with a view to obtaining an investigation of the facts connected with the destruction of their property, that they may be presented in

an authentic and authoritative form to his Excellency the President of the United States, in order that they may obtain redress for the destruction of their property, and the community for the outrage which it has sustained.

J. A. RANDLE,  
EMIL NEUMANN,  
J. T. NORRIS,  
NORRIS & McNEASE,  
COMPTON BROS.,  
J. B. CAMPBELL,  
H. HELLMAN,  
D. GOTLIEB,  
J. P. PRESSLEY,  
N. B. ROFF,  
MORRIS GANS,  
MIRA CRUMPLER,  
SAMUEL GANS,  
SAM LEVINSON,  
J. L. WATKINS & CO.,  
LOUIS HELLMANN,  
McGARY & ROFF,  
D. L. McGARY,  
FRANCIS D. ALLEN,  
V. LITTLE of South Carolina,  
per C. R. BREEDLOVE, Agent,  
J. M. ONINS,  
CHAS. STEVENSON,  
HENRY LUDLOW,  
JOHN STEVENSON,  
H. P. ALLEN,  
J. B. WILKINS,  
A. BOYLE.

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*Statement of the ownership, character and value of Property destroyed by fire in Brenham, on the night of September 7th, 1866.*

Compton Brothers, general stock of merchandise, with all books of accounts and notes, estimated at twenty-five thousand dollars.

H. Hellman, general stock of merchandise, valued at twenty thousand dollars.

John B. Wilkins, stock of general merchandise; account books and notes, estimated at nine thousand dollars.

D. Gotlieb, stock of general merchandise, valued at two thousand dollars.

Louis Hellman, furniture and household goods, valued at six hundred dollars.

Morris Gans, stock of clothing, notes, &c., valued at seven hundred dollars.

J. L. Watkins & Co., stock of drugs, accounts, books and notes, valued at fifteen thousand dollars.

Sam Gans, stock of general merchandise, valued at six hundred dollars.

Francis D. Allen, stock of books, stationery, and accounts, valued at six thousand dollars.

Emil Neumann, stock of books and stationery, valued at twenty-five hundred dollars.

N. F. Campbell, stock of saddles and saddle materials, valued at five hundred dollars.

Pressley & Roff, building burned, bar furniture and fixtures, valued at five thousand dollars.

J. B. Campbell, stock of liquors, bar furniture, building and fixtures, value one thousand dollars.

McGary & Roff, Banner printing office, press, printing materials, account books, &c., value five thousand dollars.

D. L. McGary, law books, office furniture and papers, value five hundred dollars.

J. M. Onins, law library, office furniture, notes, accounts, &c., value twenty-five hundred dollars.

Sam Levinson, book accounts, value four thousand five hundred dollars.

V. Little & Co., one building burned, value two thousand dollars.

Mrs. D. D. Crumpler, injury to hotel building and furniture, from fire, estimated at two thousand dollars.

Charles Stevenson, medical books and instruments, bedding and clothing, value one thousand dollars.

John Stevenson, trunk of clothing and books, value two hundred dollars.

R. D. Craig, trunk of clothing, value one hundred and fifty dollars.

Wyatt & McCrocklin, bar furniture and billiard tables, &c., value fifteen hundred dollars.

Henry Ludlow, clothing, value one hundred dollars.

H. P. Allen, clothing, &c., value one hundred and fifty dollars.

A. Boyle, clothing, &c., value one hundred and fifty dollars.

Senator McDade offered the following resolution :

*Resolved*, That a committee of five be appointed to whom the message and accompanying documents shall be referred, and that the committee be instructed to make a report as soon as practicable.

Adopted.

The Chair announced the following committee under the resolution :

Senators McDade, Burney, Shelley, Coppedge and Cooley.

Upon motion of Senator Shelley, the committee was permitted to retire for the purpose of taking into consideration the message of the Governor.

Senator Shelley presented a petition of David L. Cross.

Referred to Committee on State Affairs.

Senator McDade submitted the following report :

*Hon. R. H. Gahan, President pro tem. of the Senate :*

The Committee on Roads, Bridges and Ferries, to whom was referred House bill entitled "An Act granting to James L. Tarver the privilege of constructing a ferry across Big Cypress," have duly considered the same, and the committee unanimously instruct me to report the same back to the Senate, and recommend its passage with the following amendment :

Sec. 8. "And unless authorized by the Police Court of Upshur county."

J. W. McDADE, for committee.

Received to come up in order.

Senator Neyland submitted the following report :

*Hon. R. H. Gahan, President pro tem. of the Senate :*

The Committee on Engrossed Bills have examined and find correctly engrossed a bill to be entitled "An Act to provide for elections in certain cases."

Also, a bill to be entitled "An Act to incorporate the Texas Transportation Company."

W. M. NEYLAND,

Chairman of Committee on Engrossed Bills.

Report accepted.

Senator Foscue made the following report :

*To the President of the Senate :*

Your Committee on Finance, to whom was referred a bill to be entitled "An Act making an appropriation of two hundred dollars to pay the pension of 1865, granted to J. S. Stump of Lampasas county, approved Jan. 28th, 1860, and appropriating

four hundred dollars to pay said pension for the years 1866 and 1867," have had the bill under consideration, and instruct me to report the committee find that John S. Stamp is a regular pensioner for life, under the act of 1860, and that an appropriation has been regularly made to provide for the pension of said Stamp up to the end of the fiscal year 1865, and that provision will be made in the general appropriation bill for the years 1866 and 1867, which will render the passage of the special act now in the hands of the committee, unnecessary. I therefore report the bill to the Senate, and recommend that it do not pass.

F. F. FOSDUE, one of committee.

Received to come up in order.

Senator Stell made the following report :

*Hon. R. H. Guinn, President pro tem. Senate :*

The Committee on State Affairs, to whom was recommitted a House bill, after amendments by the Senate, have had the same under consideration, and have instructed me to report it back to the Senate with the following amendments made necessary by the action of the Senate :

Amend Section 2d by striking out all after word "Commissioners."

Amend Section 3d by inserting after word "dollars," in 3d line, the words "per annum."

Amend Section 7th by striking out figures "(\$5,000)" and inserting the figures "(\$3,500)."

Also, by striking out the word "five" and inserting "three."

Also, in same section, after the word "thousand," insert "five hundred."

Also, same section, strike out of 4th line, after word "assistants," from the words "and to commission" inclusive, and to insert "one thousand dollars thereof to be in coin." And when so amended recommend its passage.

J. W. STELL, Chairman.

Received to come up in order.

Senator Reed made the following report :

*Hon. R. H. Guinn, President pro tem. of the Senate :*

The Committee on Roads, Bridges and Ferries, to whom was referred House bill to be entitled "An Act authorizing the building of an iron bridge over the Brazos river," have examined the same, and have instructed me to report it back to the Senate, and recommend its passage.

J. B. REED, Chairman.

Received to come up in order.

Senator Truitt introduced a bill to provide for the permanent location of the County Seat of Shelby county.

Read first and second times, and referred to Committee on Counties and County Boundaries.

Senator Foscue moved to take up the direct navigation bill.  
Carried.

Amendment to Section 4, by the House, read.

Question, concurrence by the Senate; refused to concur.

Upon motion of Senator Foscue, the House resolution was referred to select committee.

Senator Lane introduced a bill to transfer the administration of the estate of C. C. Alexander from the county of Smith to the county of Fannin, in the State of Texas.

Read first and second times, and referred to Judiciary Committee.

A message was received from the House, announcing the passage of a bill to incorporate the Eureka Manufacturing Company, and the passage of the following resolution :

*Resolved*, That a committee of two members of the House be appointed to act in conjunction with a like committee from the Senate, in conformity with the recommendation of the Governor, to visit Brenham.

House committee—Messrs. Giddings and Kyle.

A bill to provide for elections in certain cases.

## ORDERS OF THE DAY.

House bill granting lands to the Houston and Texas Central Railroad Company, and report of Senate Committee on Internal Improvements, taken up; amendments recommended by the committee adopted.

Bill, as amended, ordered to a third reading; and upon motion of Senator Record, rule suspended, bill read third time, and passed by two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Dalrymple, Foscue, Guinn, Jowers, Knox, Lane, McDade, Nelson, Neyland, Parker, Randolph, Record, Reed, Saufley, Selman, Shannon, Stell, Truitt and Yarbrow—24.

NAYS—None.

House bill to incorporate the Houston and Galveston Wharf and Pre s Company, on its third reading, taken up, read third time, and passed by two-thirds vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Cook, Dalrymple, Foscue, Guinn, Jowers, Knox, Lane, Nelson, Neyland, Parker, Record, Reed, Selman, Shannon, Stell, Truitt and Yarbrow—22.

NAYS—None.

Senate bill amending "An Act regulating sequestrations," approved March 15th, 1848, taken up and read second time.

Upon motion of Senator Selman, bill was amended as follows:

After the word "clerk," in 2d line. 8th Section, add the words, "which writ may be issued to the Sheriff of any county in the State wherein the property is alleged to be situated, which allegation may be made either in the original or in a supplemental petition."

Upon motion of Senator Randolph, bill was further amended by inserting between the words "either" and "or," in 1st Section, 6th line, the words, "or that he will sell or otherwise dispose of the same, so as to defraud her of her just rights."

Upon motion of Senator Stell, bill was further amended as follows:

After the word "days," in 11th line, 7th Section, insert, "if present in the county, in person, or by his agent or attorney, or within twenty days, if absent from the county."

Upon motion of Senator McDade, the bill under consideration was laid on the table for the present, to take up report of select committee relating to message from the Governor.

Senator McDade submitted the following report and resolution, which was adopted:

*To the President of the Senate:*

The Select Committee, to whom was referred the message of the Executive and accompanying documents, relating to the burning of a portion of the town of Brenham, in Washington county, have considered the same, and submit the following report:

Your committee deem that any expression, with regard to the circumstances referred to in the message of his Excellency, which at all times are so much to be deprecated, would at this time be premature. The committee believe that the appointment of a joint committee, as recommended by the Governor, with full power to enable them to make complete and thorough investigation of all the facts, to the end that those who were the guilty perpetrators of these wrongs and outrages should be known and brought to merited punishment, is at this time proper. Withholding any further expressions, and commending to the people of the State, and particularly to those who are the immediate sufferers by this calamity, deliberation and dispassionate action, until all the facts are presented in proper form to the authorities, who can, and whose duty it is to afford redress, the committee



recommend the adoption of the following as a substitute for the House resolution :

*Resolved by the Legislature of the State of Texas,* That a joint committee of one from the Senate and two from the House be appointed, whose duty it shall be to repair without delay to the town of Brenham, in Washington county, and make full and thorough investigation of the facts and circumstances connected with the recent burning of said town or a portion thereof. That the committee shall have power to send for persons and papers, and for that purpose to command the services of any sheriff, constable, or other conservator of the peace, who, in the discharge of the duties required of him by the committee, shall have authority to command the *posse comitatus*. Said committee shall report the result of their investigation to the Legislature now in session, with their recommendation as to what action should be taken in the premises. All of which is respectfully submitted.

J. M. McDADE, Chairman.

N. G. SHELLEY,

GEO. E. BURNEY,

C. C. COPPEDGE,

A. O. COOLEY.

Rule suspended, report taken up, and resolution adopted as a substitute for the House resolution.

Under the resolution the Chair announced Senator Burney as committee on part of the Senate.

The consideration of the bill relating to sequestrations was resumed.

Senator Jowers moved to amend by inserting in Section 7th, 6th line, between the words "trial" and "be," the words, "if the defendant is cast in the suit."

The yeas and nays being called upon the adoption of the amendment, it was made by the following vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Coppedge, Jowers, Lane, Nelson, Randolph, Reed, Saufley, Shannon and Stell—14.

NAYS—Senators Cook, Dalrymple, Guinn, Neyland, Record, Shelley, Truitt and Yarbrow—8.

Bill, as amended, read second time, and ordered to be engrossed.

Senator Nelson asked and obtained permission to introduce a bill for the benefit of the Memphis, El Paso and Pacific Railroad Company.

Bill read first time by caption, and referred to Committee on Internal Improvements.

Senator Shelley also, by permission, introduced a bill concerning escheats and proceedings in relation thereto.

Bill read first time by caption, and referred to the Judiciary Committee.

Upon motion of Senator Stell, the bill providing for the appointment of a Commissioner of Statistics, with accompanying amendments, recommended by Committee on State Affairs, was taken up.

Senator Reed moved to lay the bill and report upon the table.

Senator Bumpass moved a call of the House. Call ordered.

Roll called, and Senate full.

Yeas and nays being called upon the motion of Senator Reed to table, the bill and report of committee, were laid on the table by the following vote :

YEAS—Senators Braswell, Blount, Boyd, Brown, Bumpass, Coppedge, Dalrymple, Lane, Nelson, Record, Reed, Saufley, Selman, Truitt and Yarbrow—15.

NAYS—Senators Burney, Cook, Cooley, Foscue, Guinn, Jowers, Knox, McDade, Neyland, Parker, Randolph, Shannon, Shelley and Stell—14.

Senator Cook moved to adjourn until 9 o'clock, a. m., tomorrow. Lost.

Upon motion of Senator Stell, Senate adjourned until tomorrow morning 10 o'clock.

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SENATE CHAMBER, }  
September 15, 1866. }

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Roll called—quorum present.

Journal of yesterday read and adopted.

Senator Shelley presented petition of P. Priestly, for unpaid salary as Chief Clerk of State Department.

Referred to Finance Committee.

Senator Stell made the following report :

*Hon. R. H. Guinn, President pro tem., Senate :*

The Committee on State Affairs, to whom was referred House bill entitled "An Act to incorporate the town of Wharton, in Wharton county," have considered the same and have instructed me to report it back to the Senate and recommend its passage.

J. W. STELL, Chairman.

Received to come up in order.